

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2021 Regular Session**

REVISED 1/29/21

Part I: Measure Information

Bill Request #: 175

Bill #: SB 84

Document ID #: 2430

Bill Subject/Title: AN ACT relating to crimes and administration of punishments.

Sponsor: Senator Julie Raque Adams

Unit of Government:

<input checked="" type="checkbox"/> City	<input checked="" type="checkbox"/> County	<input checked="" type="checkbox"/> Urban-County Unified Local Government
<input checked="" type="checkbox"/> Charter County	<input checked="" type="checkbox"/> Consolidated Local	<input checked="" type="checkbox"/>

Office(s) Impacted: Local jails and law enforcement

Requirement: **x** Mandatory Optional

Effect on

Powers & Duties:	x	Modifies Existing	x	Adds New	Eliminates Existing
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Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

The fiscal impact on specific local law enforcement and jails will be minimal to perhaps moderate. SB 84 creates a new section of KRS Chapter 196 to **establish restrictive housing and medical observation of pregnant inmates or inmates in the immediate postpartum period**, and defines "immediate postpartum period". It creates a new section of KRS Chapter 196 to establish notice of availability and access to applicable community-based programs and social workers and **establishes the parameters for care of the infant for the 72-hour period after birth**. SB 84 creates a new section of Chapter 196 to require that an annual restricted housing report be filed with the Legislative Research Commission.

This Act amends KRS 510.060, rape in the third degree, to include a peace officer who engages in sexual intercourse with a person in custody or under arrest, and amends KRS 510.090, sodomy in the third degree, to include a peace officer who engages a person in

custody or under arrest in deviate sexual intercourse. The Act also amends KRS 510.120, sexual abuse in the second degree, to include a peace officer who engages a person in custody or under arrest to sexual contact.

Compliance with the provisions of the bill relating to the care of pregnant and immediate post-partum inmates, and related reporting will require additional time and effort and the provision of accommodating facilities.

The bill's creation of new crimes relating to sexual abuse by peace officers may affect local jail costs. The costs associated with Class A Misdemeanor and Class D felony incarcerations are described below.

A person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on an average cost to incarcerate of \$37.35 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$37.35 per day.

When a court denies bail to a Class D felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 77 full service jails or three life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an average cost to incarcerate of \$37.35, which includes the \$31.34 per diem and medical expenses that the Department of Corrections pays jails to house felony offenders. Upon sentencing, a Class D felon is housed in one of Kentucky's full service jails for the duration of his or her sentence. The Department of Corrections pays a jail \$31.34 per day to house a Class D felon. The per diem may be less than, equal to, or greater than the actual housing cost.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The Part II section above pertains to the bill as introduced.

Data Source(s): Kentucky Sheriffs Association; Kentucky Association of Chiefs of Police; Kentucky Jailers Association; Kentucky Department of Corrections

Preparer: H. Marks **Reviewer:** KHC **Date:** 1/11/21